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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,469	08/29/2001	Gregory T. Knowles	9204-16	8076

7590 12/12/2005

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EXAMINER

LAYE, JADE O

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/942,469		KNOWLES ET AL.	
	Examiner		Art Unit	
	Jade O. Laye		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I. Claims 9, 18, 29, 37-47, 56, 65, 76, and 84 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that each above-referenced claim fails to correspond in scope with that which applicant(s) regard as the invention can be found in Applicant's Specification, page 14. There, applicant discusses a "private network" and a network that is "outside the private network." This statement indicates that the invention is different from what is defined in the claim(s) because the above-referenced claims only recite a network. Thus, it is not clear what form of network Applicant is referring too. Moreover, this claim language does not reflect what Applicant considers his or her invention- which is related to allowing access to content on a private network via devices not located on said private network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1-8, 10-17, 19-28, 30-36, 48-55, 57-64, 66-75, and 77-83 are rejected under 35 U.S.C. 102(e) as being anticipated by *Asmussen et al.* (US Pat. Pub. No. 2002/0042923).

As to Claim 1, *Asmussen et al* disclose a multimedia distribution system comprising an aggregator module used to monitor and store multimedia data and metadata located on various devices connected to the network, and a user interface/display which allows a user to query the aggregator for specified content. Moreover, the system is capable of notifying users as to the availability of content located on various network devices (i.e., “contributor module” associated with each network device is inherently disclosed). (Abstract; Pars. [0015, 0016, 0027, 0028, 0045-0047, 0050, 0059, 0063, & 0073]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 1.

The limitations of Claims 8 and 55 are encompassed by those of Claim 1. Thus, each is analyzed and rejected as previously discussed.

Claim 48 corresponds to Claim 1. Thus, it is analyzed and rejected as previously discussed.

As to Claim 2, *Asmussen* further teaches users of the system continuously monitors the network and users (i.e., other network devices) are notified as to the availability of content on the system. (Par. [0019, 0047]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 2.

Claims 49 and 50 correspond to Claim 2. Thus, each is analyzed and rejected as previously discussed.

As to Claim 3, *Asmussen* further discloses the systems stores metadata related to multimedia data stored on the network. (Par. [0019, 0050, 0073]). It is inherent this be done continuously because the system continuously searches the network for new data. (Par. [0019]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 3.

Claim 51 corresponds to Claim 3. Thus, it is analyzed and rejected as previously discussed.

As to Claim 4, *Asmussen* further teaches the system can categorize the multimedia data based upon info stored in the aggregator, and subsequently retrieves said data in response to a categorized selection by a user. (Par. [0027, 0063, 0074]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 4.

Claim 52 corresponds to Claim 4. Thus, it is analyzed and rejected as previously discussed.

As to Claim 5, *Asmussen* further discloses the system is capable of monitoring the network and updating the metadata stored in the aggregator in response to changes on the network. (Par. [0019]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 5.

As to Claim 6, *Asmussen* further teaches the system is configured to allow a user to select from prefigured program suggestions (i.e., tailoring requested content prior to retrieval by the user). (Par. [0020]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 6.

Claim 53 corresponds to Claim 6. Thus, it is analyzed and rejected as previously discussed.

As to Claim 7, *Asmussen* further discloses the system will reformat the data prior to retrieval by the user. (Par. [0055]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claim 7.

Claim 54 corresponds to Claim 7. Thus, it is analyzed and rejected as previously discussed.

As to Claims 10-12, *Asmussen* further teaches the multimedia data can be audio or video data (this encompasses image data). (Par. [0015, 0045]). Accordingly, *Asmussen et al* anticipate each and every limitation of Claims 10-12.

Claims 57-59 correspond to Claims 10-12, respectively. Thus, each is analyzed and rejected as previously discussed.

Claim 13 recites limitations which are encompassed by Claims 1, 3, and 4. Thus, it is analyzed and rejected as discussed therein.

Claims 14-17 correspond to Claims 5-8, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 19-21 correspond to Claims 10-12 respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 22 recites limitations which are encompassed within the limitations of Claim 1, 4, and 10. Moreover, it is inherent the user select a channel in order to retrieve the multimedia data. Thus, Claim 22 is analyzed and rejected as discussed therein.

Claims 23, 24, 25, 26, 27, and 28 correspond to Claims 2, 3, 5, 6, 7, and 8, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 30 comprises limitations which are encompassed by Claims 1, 4, and 11. Thus, each is analyzed and rejected as discussed therein.

Claims 31, 32, 33, 34, 35, and 36 correspond to Claims 2, 3, 5, 6, 7, and 8, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 60 contains limitations which are encompassed by Claims 1 and 4. Thus, it is analyzed and rejected as previously discussed.

Claims 61, 62, 63, 64, 66, 67, and 68 correspond to Claims 2, 6, 7, 8, 10, 11, and 12, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 69 contains limitations which are encompassed by Claims 1, 4, and 10. Thus, it is analyzed and rejected as discussed therein.

Claim 70 contains limitations which correspond to Claim 2. Thus, it is analyzed and rejected as discussed therein.

Claim 71, 72, 73, 74, and 75 correspond to Claim 2, 3, 6, 7, and 8, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 77 recites limitations which correspond to Claims 1, 4, and 11. Thus, it is analyzed and rejected as discussed therein.

Claims 77-79 correspond to Claim 2. Thus, each is analyzed and rejected as discussed therein.

Claims 80, 81, 82, and 83 correspond to Claims 3, 6, 7, and 8, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

III. Claims 9, 18, 29, 37, 38-47, 56, 65, 76, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Asmussen et al.*

Claim 9 recites the system of Claim 1, further comprising a gateway connected to the network that grants access to content stored within the network devices to authorized users via devices not connected to the network. As discussed above, *Asmussen et al* anticipate each and every limitation of Claim 1, and further teach the system determines whether the user is authorized to receive the multimedia data, but fails to disclose the remaining limitations of Claim 1. (Par. [0062]). However, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of remote hand-held devices (not connected to private network) used to communicate with remote networks, was notoriously well known in this art. (as evidenced by *Ellis et al*, US Pat. Pub. No. 2005/0028208). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the system of *Asmussen* in order to provide a system which allows a user to remotely communicate with network devices.

Claims 18, 29, and 37 correspond to Claim 9. Thus, each is analyzed and rejected as previously discussed.

Claim 38 contains limitations which are encompassed by Claims 1, 2, 4, and 9. Thus, it is analyzed and rejected as discussed therein.

Claims 39, 40, 41, 42, and 43 correspond to Claims 2, 3, 5, 6, and 7, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 44, 45, 46, and 47 correspond to Claims 8, 10, 11, and 12, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 56, 65, 76, and 84 correspond to Claim 9. Thus, each is analyzed and rejected as previously discussed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Griggs* (US Pat. Pub. No. 2005/0022241) discloses a system which merges multimedia data from various networked locations.
- b. *Klosterman* (US Pat. No. 5,828,945) discloses a system which merges multimedia data from various networked locations.
- c. *Hofmann* (US Pat. No. 5,883,677) discloses a system which merges multimedia data from various networked locations.
- d. *Kenner et al* (US Pat. No. 6,003,030) disclose a system which merges multimedia data from various networked locations.
- e. *Legall et al* (US Pat. No. 6,005,565) disclose a system which merges multimedia data from various networked locations.
- f. *Stinebruner* (US Pat. No. 6,133,910) discloses a system which merges multimedia data from various networked locations.
- g. *Williams et al* (US Pat. No. 6,157,411) disclose a system which merges multimedia data from various networked locations.
- h. *Kikinis* (US Pat. No. 5,644,714) discloses a system which merges multimedia data from various networked locations.
- i. *Tudor et al* (US Pat. Pub. No. 2002/0059574) disclose a system which merges multimedia data from various networked locations.

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- j. *Bowers* (US Pat. Pub. No. 2003/0005455) discloses a system which merges multimedia data from various networked locations.
- k. *Byrne et al* (US Pat. No. 5,990,883) disclose a system which merges multimedia data from various networked locations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye
November 23, 2005.



VIVEK SRIVASTAVA
PRIMARY EXAMINER